

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39177 of 2026**

Arising Out of PS. Case No.-5 Year-2026 Thana- Lakho District- Begusarai

=====

Babu Sahab Paswan @ Babu Saheb Son of Late Hareram Paswan, Resident  
of Village- Lakho, Ward No. 04, P.S.- Lakho, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sarvottam Kumar, Advocate  
For the State : Ms. Asha Kumari, APP

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      17-06-2026                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,  
in connection with Lakho P.S. Case No. 5 of 2026, dated  
13.01.2026, registered for the offence punishable under Section  
30(a)(b)(c) of Bihar Prohibition and Excise (Amendment) Act,  
2022.

3. As per the secret information received by the  
police, petitioner was illegally manufacturing illicit liquor in a  
orchard near a chimney. On such information, when the police  
reached near the chimney, one person started fleeing away after  
seeing the police vehicle and he was successful to flee away and  
as per local chawkidar, the person, who fled away, was the  
petitioner. Police recovered nine litre country made liquor from



the orchard near chimney and 220 litre raw material meant for manufacturing illicit liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the prosecution case against the petitioner is based only on suspicion and wrong identification. He further submits that petitioner has nothing to do with the alleged offence and recovery has been made from the open space and hence, no *prima facie* case is made out under the Excise Act against the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has one criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his



furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Lakho P.S. Case No. 5 of 2026, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

**(Jitendra Kumar, J.)**

ravishankar/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

